

REMARKS

Claims 1-12 are all the claims pending in the application. By this Amendment, Applicant amends claims 1-5 and 7 to further clarify the invention. Applicant also cancels claims 8-12 without prejudice or disclaimer.

I. Preliminary Matters

Applicant respectfully requests the Examiner to acknowledge Applicant's claim to foreign priority and indicate receipt of the certified copy of the priority document filed on June 13, 2002.

Applicant thanks the Examiner for returning the initialed Forms PTO/SB/08 submitted with the Information Disclosure Statements filed on May 5, 2004 and December 29, 2005.

Applicant also thanks the Examiner for indicating acceptance of the drawing figures filed on November 21, 2003.

II. Summary of the Office Action

Claims 1-5 and 7 are rejected under 35 U.S.C. § 102(e) and claims 6 and 8-12 are rejected under 35 U.S.C. § 103(a).

III. Claim Rejections under 35 U.S.C. § 102

Claims 1-5 and 7 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,507,856 to Chen et al. (hereinafter "Chen"). Applicant respectfully traverses these grounds of rejection at least in view of the following exemplary comments.

Of these rejected claims, only claims 1 and 7 are independent. Independent claim 1 *inter alia* recites: "wherein some but less than all of the data are exchanged in an encrypted form, wherein, in at least a first of the process devices, a communication device determines by hard

wiring or programming which of transmission data are encrypted in an encryption device of the first process device, and wherein, in at least a second of the process devices, the communication device recognizes which of reception data are encrypted and decrypts the reception data in a decryption device of the second process device.” Independent claim 7 *inter alia* recites: “wherein the communication device comprises an encryption device, a decryption device, and means for determining by hard wiring or programming which of transmission data are encrypted in the encryption device and means for recognizing which of reception data are encrypted and decrypting the encrypted reception data in the decryption device.”

In an exemplary, non-limiting embodiment, only data requiring security is transmitted in encrypted form while all other data, in particular data used for process control and regulation, is preferably transmitted mainly in unencrypted form. In addition, in order not to interfere with the process control and regulation, the unencrypted data is preferably communicated with a higher priority than the encrypted data. To this end, the encrypted data and/or the data to be encrypted may first be collected in a memory of the process device. That is, in an exemplary embodiment, only some of the transmitted data is encrypted while other data is transmitted in an unencrypted format. The receiving device will distinguish between the encrypted and unencrypted data.

It will be appreciated that the foregoing remarks relate to the invention in a general sense, the remarks are not necessarily limitative of any claims and are intended only to help the Examiner better understand the distinguishing aspects of the claims mentioned above.

Chen, on the other hand, relates to a system for exchanging and merging messages over a network. The system includes a server accessible by a plurality of remote browsers for transmitting a template including fields for information entry and a business system accessible by the server for generating a return document pursuant to information entered in the template on

the browsers. The business system includes a first parser for receiving a document from a browser. The document includes information about data characteristics of information entered into the template. The business system further includes a second parser for receiving information about data characteristics to provide a return template. A merging algorithm is implemented to merge the document with the return template for providing a return document to the browser having portions of the return template with data entered therein (see Abstract and col. 1, line 35 to col. 14).

Chen further discloses encoding a purchase order, PO (col. 4, lines 58 to 67). In particular, Chen discloses encoding the PO, one single time (Fig. 1). Chen, however, only discloses encoding data and does not disclose or suggest decoding (alleged decryption) the encoded item. In Chen, there is no disclosure or suggestion of decrypting the PO.

In addition, Chen only discloses converting plain text (purchase order PO) into XML code, *i.e.*, encoding the PO. Chen, however, is unrelated to encryption *i.e.*, transforming data so that it is unreadable to anyone without a key. In other words, Chen discloses encoding and not encrypting data. One of ordinary skill in the art would not take from Chen's disclosure of encoding any teaching or suggestion regarding the claimed encryption.

Furthermore, Chen does not disclose process devices exchanging some but less than all data in the encrypted form, thereby determining by hard wiring or programming which of transmission data are to be encrypted and recognizing which of reception data are encrypted and have to be decrypted. In other words, Chen is unrelated to encrypting only some of the transmitted data and having a device that will analyze the received data and distinguish between encrypted and unencrypted data in these received data. In short, Chen does not disclose or suggest identifying which of the received data needs to be encrypted.

For at least these exemplary reasons, claims 1 and 7 are patentably distinguishable (and are patentable over) Chen. Accordingly, Applicant respectfully requests the Examiner to withdraw this rejection of claims 1 and 7. Claims 2-5 are patentable at least by virtue of their dependency on claim 1.

IV. Claim Rejections under 35 U.S.C. § 103

Claims 6 and 8-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen in view of U.S. Patent No. 6,115,646 to Fiszman et al. (hereinafter “Fiszman”). Applicant respectfully traverses these grounds of rejection at least in view of the following exemplary comments.

Claim 6 depends on claim 1. Applicant has already demonstrated that Chen does not meet all the requirements of independent claim 1. Fiszman is relied upon only for its teaching of various keys (*see* page 4 of the Office Action) and as such fails to cure the deficient disclosure of Chen. Together, the combined teachings of these references would not have (and could not have) led the artisan of ordinary skill to have achieved the subject matter of claim 1. Since claim 6 depends on claim 1, it is patentable at least by virtue of its dependency.

Claims 8-12 have been cancelled, rendering this rejection moot.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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